

Admitted in Indiana
and Michigan

Thomas E. Warrick*
Gary D. Boyn
James V. Woodsmall
Cynthia S. Gillard
Randall G. Hesser
Timothy S. Shelly
William D. Haut
Dean E. Leazenby
Andrew M. Hicks
Anne L. Eisele**

*Admitted in Illinois,
not admitted in Michigan

**Also Admitted in Illinois

June 6, 2011

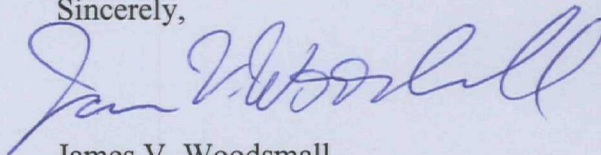
U.S. Environmental Protection Agency
c/o Grace Co
77 W. Jackson Blvd., (SE-5J)
Chicago, IL 60604-3590

Re: Response of Elkhart Plating Corp. to Section 104(e) Request
for Information, Lusher Street Groundwater Contamination Site,
Elkhart, Indiana

Dear Ms. Co:

Please find enclosed the response of Elkhart Plating Corp. to the EPA's
request for information and the related documents. Please return a file-marked
copy of this letter to me in the stamped, self-addressed envelope. Thank you for
your cooperation.

Sincerely,



James V. Woodsmall

JVW/mj

cc: Bill McDowell
Don Penzenik

Enclosures

SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED



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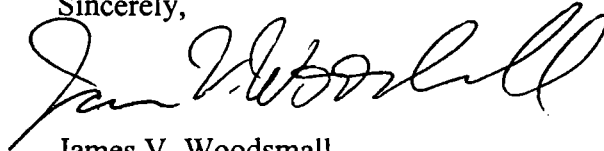
U.S. Environmental Protection Agency
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Re: Response of Elkhart Plating Corp. to Section 104(e) Request
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Dear Ms. Co:

Please find enclosed the response of Elkhart Plating Corp. to the EPA's request for information and the related documents. Please return a file-marked copy of this letter to me in the stamped, self-addressed envelope. Thank you for your cooperation.

Sincerely,



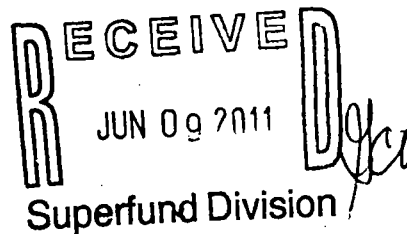
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cc: Bill McDowell
Don Penzenik

Enclosures

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Elkhart Plating Corp.

1913 South 14th Street

P.O. Box 74

Ph: 574-294-1800

Elkhart, IN 46515

Fax: 574-295-1603

June 4, 2011

U.S. Environmental Protection Agency
c/o Grace Co
77 W. Jackson Blvd., (SE-5J)
Chicago, IL 60604-3590

Re: Section 104(e) Request for Information re: Lusher Street Groundwater
Contamination Site, Elkhart, Indiana

Dear Ms. Co:

Set out below is the response of Elkhart Plating Corp. to the Section 104(e) Request for Information which was received on May 9, 2011. The numbers correspond to the information request contained in Enclosure 4.

1. Elkhart Plating Corp. (the Company) has rented the building at 1913 14th Street in Elkhart, Indiana since 1986. There is no written lease for the property.

2. The Company has not used any chlorinated solvents at our facility. We have no knowledge of the use of chlorinated solvents by any other person or entity within the Site.

3. The Company's facility at 1913 14th Street is the only facility that the Company has within the boundaries of the Site.

(a) Drawings of the interior of the Company facility are enclosed showing the location of all secondary containment underneath our processing units and our rinse waters pretreatment facility.

(b) The type of unit and its dimensions are set forth on the map.

(c) The oldest part of the building has been used by the Company since 1986. In 1995, the first addition was put on. It is indicated on the map. The second addition was added in 2004. The processing units and the related secondary containment have been in use since shortly after each addition was constructed. The pretreatment facility was built in 1985.

(d) The secondary containment below each processing unit is for spill containment. The pretreatment system is required by the City of Elkhart in order to discharge treated rinse waters into the municipal sewer system.

(e) The substances captured in the secondary containment are a rinse water solution which contain primarily water and de minimus amounts of zinc hydroxide, sodium hydroxide, and chromates. These substances are pumped to the rinse water pretreatment system.

(f) The secondary containment is cleaned out approximately once every ten years. Each of the secondary containment units is in good condition.

(g) Not applicable.

4. The Company has not had any releases, spills, or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents since they have not been used at our facility during the period the Company has operated at the facility.

5. A copy of the Company's industrial wastewater discharge permit, number 86-02 is enclosed.

6. The Company has no information on the identity of persons or entities that may have information on the use of chlorinated solvents at facilities in the area identified as the Lusher Street Groundwater site.

7. The Company does not have any information about any person who may be responsible for spills or releases of chlorinated solvents from any facility within the boundaries of the site.

All of the responses set forth above were compiled from information provided by Bill McDowell, the general manager of the Company, and Don Penzenik, our licensed pretreatment operator. They are presently employed by the Company at the address set forth above. Their business phone number is (574) 294-1800.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system and those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



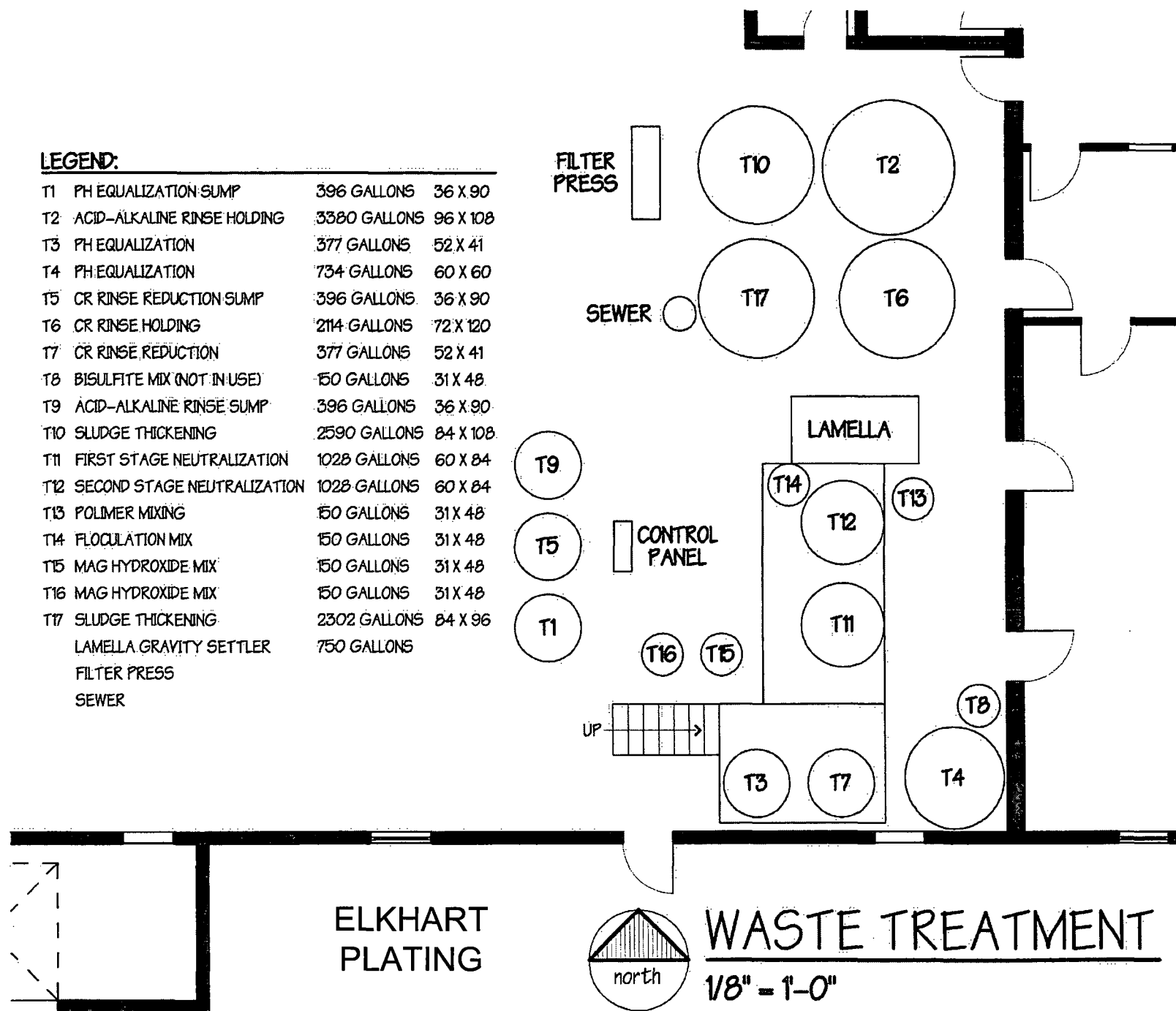
George Malcolm, President

GM/mj

Enclosure

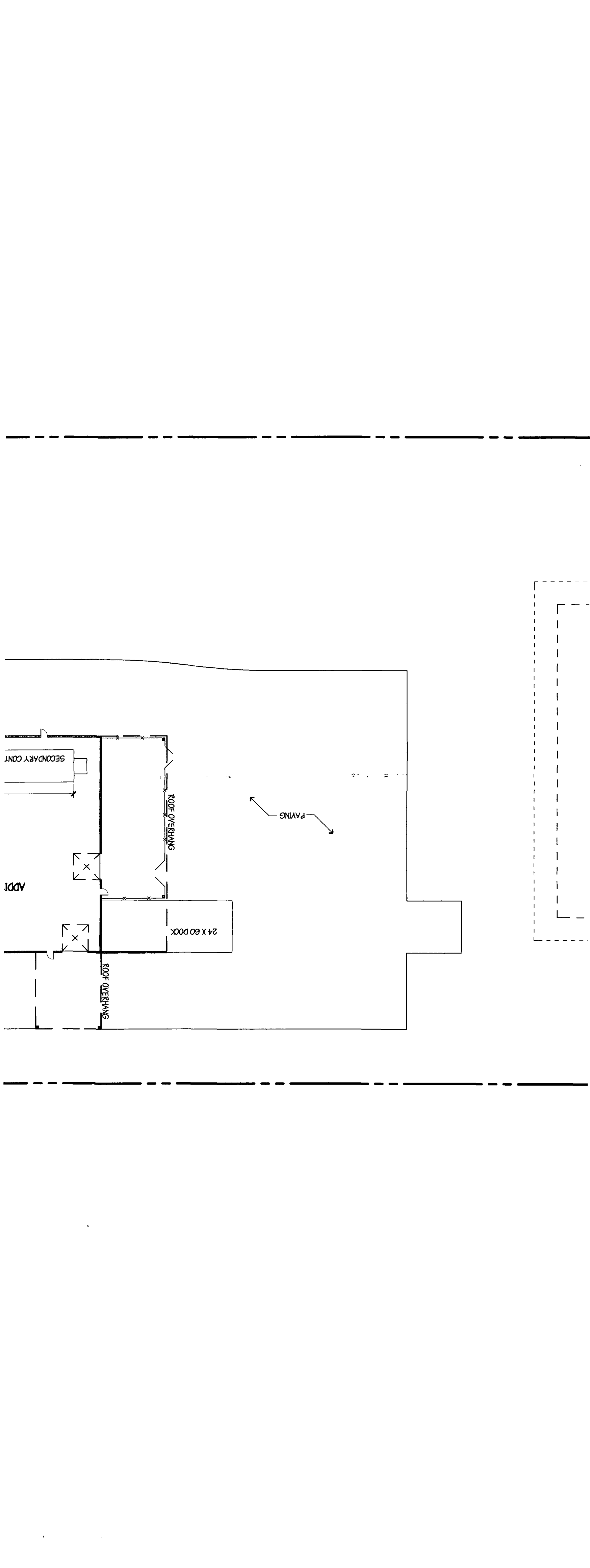
LEGEND:

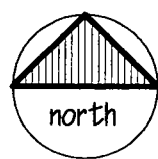
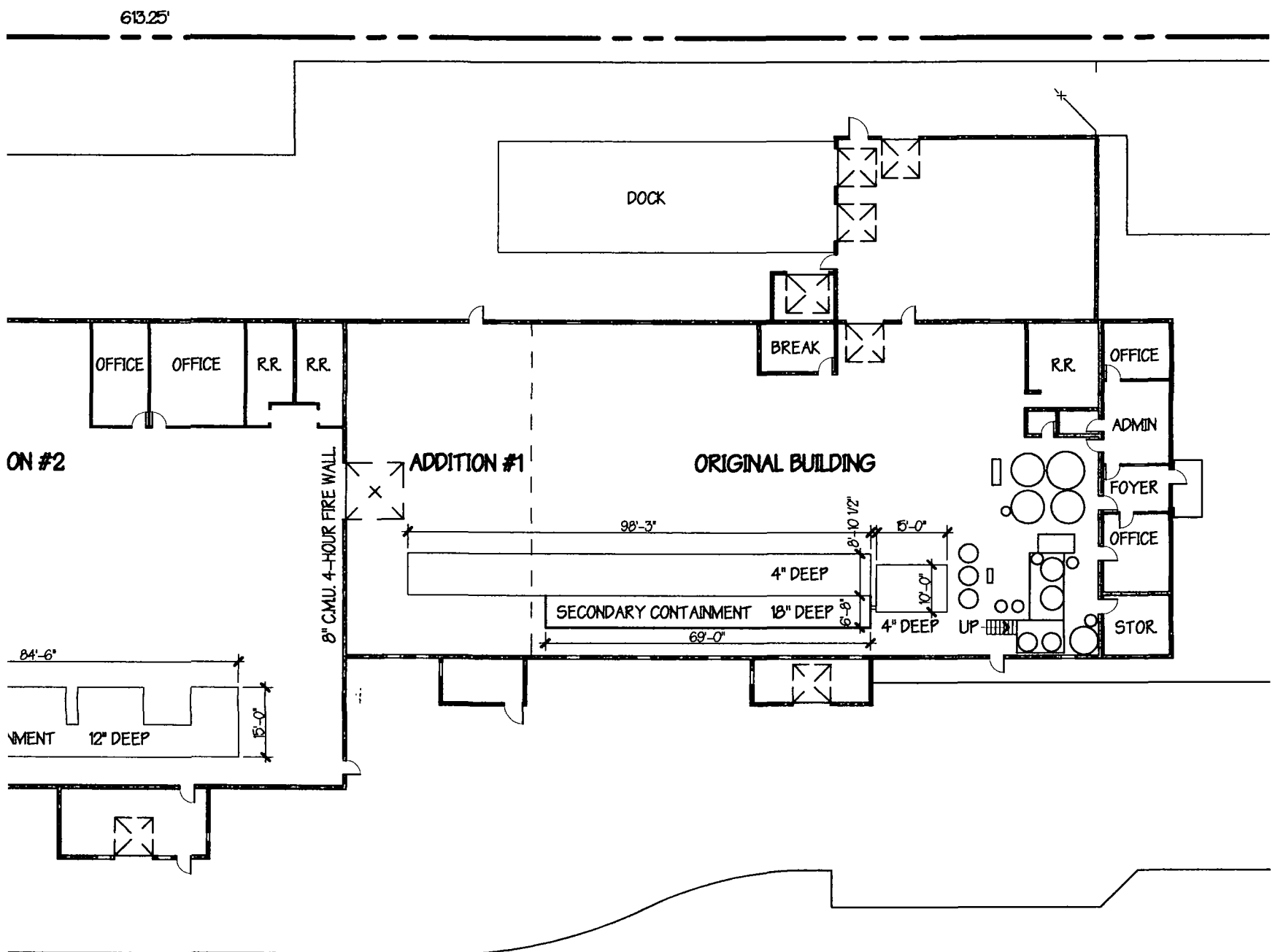
T1	PH EQUALIZATION SUMP	396 GALLONS	36 X 90
T2	ACID-ALKALINE RINSE HOLDING	3380 GALLONS	96 X 108
T3	PH EQUALIZATION	377 GALLONS	52 X 41
T4	PH EQUALIZATION	734 GALLONS	60 X 60
T5	CR RINSE REDUCTION SUMP	396 GALLONS	36 X 90
T6	CR RINSE HOLDING	2114 GALLONS	72 X 120
T7	CR RINSE REDUCTION	377 GALLONS	52 X 41
T8	BISULFITE MIX (NOT IN USE)	150 GALLONS	31 X 48
T9	ACID-ALKALINE RINSE SUMP	396 GALLONS	36 X 90
T10	SLUDGE THICKENING	2590 GALLONS	84 X 108
T11	FIRST STAGE NEUTRALIZATION	1028 GALLONS	60 X 84
T12	SECOND STAGE NEUTRALIZATION	1028 GALLONS	60 X 84
T13	POLYMER MIXING	150 GALLONS	31 X 48
T14	FLOCCULATION MIX	150 GALLONS	31 X 48
T15	MAG HYDROXIDE MIX	150 GALLONS	31 X 48
T16	MAG HYDROXIDE MIX	150 GALLONS	31 X 48
T17	SLUDGE THICKENING	2302 GALLONS	84 X 96
	LAMELLA GRAVITY SETTLER	750 GALLONS	
	FILTER PRESS		
	SEWER		



297.85'

RETENTION AREA

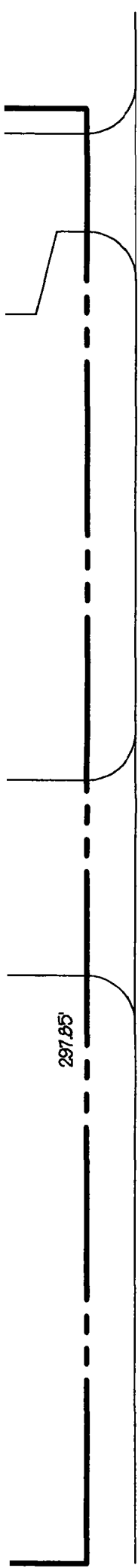




SITE PLAN

1" = 30'-0"

613.25'



14th STREET



**CITY OF ELKHART
PUBLIC WORKS & UTILITIES ADMINISTRATION
1201 S. Nappanee Street
Elkhart, IN 46516**

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT
Permit No. 86-02**

In compliance with the provisions of the City of Elkhart Sewer Use and Rate Ordinance No. 4866,

**ELKHART PLATING COMPANY
1913 S. 14th Street
Elkhart, Indiana 46517
(574) 294-1800**

is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the City of Elkhart sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit. Nothing in this permit shall be construed to relieve the permittee from liabilities and administrative, civil or criminal penalties resulting from noncompliance with this permit or the City of Elkhart Sewer Use and Rate Ordinance No. 4866

Noncompliance with any term or condition of this permit shall constitute a violation of the City of Elkhart Sewer Use and Rate Ordinance No. 4866

This permit incorporates the City of Elkhart Sewer Use and Rate Ordinance No. 4866 and the City of Elkhart Enforcement Response Plan. Anything not covered specifically by this permit shall be referred to the City of Elkhart Sewer Use and Rate Ordinance No. 4866 and the City of Elkhart Enforcement Response Plan. No exceptions will be implied and must be expressly stated.

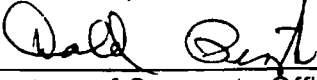
EFFECTIVE DATE: October 19, 2010

EXPIRATION DATE: October 19, 2015

If permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Article V.5.1.2 and 5.1.6, a **minimum of 180 days prior to the expiration date.**

I certify that I have read and am familiar with the conditions and terms contained in this Industrial Wastewater Discharge Permit.

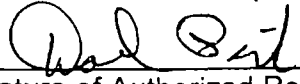
DONALD PENZENIIC
Name of Corporate Officer


Signature of Corporate Officer

TECHNICAL MGR
Title

10-25-10
Date

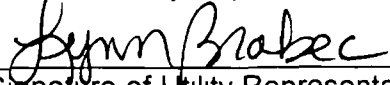
DONALD PENZENIIC
Name of Authorized Representative


Signature of Authorized Representative

TECHNICAL MGR
Title

10-25-10
Date

Lynn Brabec
Name of Utility Representative


Signature of Utility Representative


Environmental Compliance Supervisor
Title

10/21/2010
Date

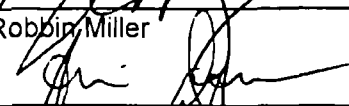
This permit is approved by the City of Elkhart Board of Public Works.


Michael Machlan

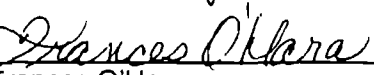
10/19/10
Date


Robbin Miller

10/19/10
Date


Arvis Dawson

10/19/10
Date


Frances O'Hara

10/19/10
Date


Andrew Carter

10/19/10
Date

PART I. FACILITY DESCRIPTION

Elkhart Plating Company, located at 1913 S. 14th Street, Elkhart, Indiana, is subject to the National Categorical Pretreatment Standards for the Electroplating Point Source Category as listed in 40 CFR 413, as an existing source

The manufacturing process at Elkhart Plating Company consists of the electroplating of zinc deposits onto a variety of customer parts, which may be machined or formed, including fasteners. The principal processes with resultant wastewater streams are metal parts cleaning, pickling, zinc electroplating, and chromating. Wastewater is generated from continuous rinsing.

Elkhart Plating Company discharges an average of 18,273 gallons of wastewater per day. The discharge is composed of:

- 1) 17,879 gpd of process wastewater
- 2) 394 gpd of sanitary wastewater
- 3) 37,393 gpd are recycled and not discharged to the POTW

Wastewater pretreatment measures at Elkhart Plating include pH adjustment, chemical treatment, metals precipitation/flocculation and sludge removal. Accumulated sludges are dewatered in a filter press and properly disposed. The filtrate water is recirculated through the pretreatment system.

PART II. EFFLUENT LIMITATIONS

- A. During the period of **October 19, 2010 to October 19, 2015**, permittee is authorized to discharge wastewater to the City of Elkhart sewer system through the control manhole located in facility parking lot at extreme northeast corner of manufacturing complex, just west of 14th Street. The **discharge at the control manhole** shall not exceed the following effluent limitations. Effluent at this sampling location consists of process wastewater and sanitary wastewater combined. During the period of **October 19, 2010 to October 19, 2015**, the discharge at the **end of pipe (control manhole)** shall not exceed the following Sewer Use and Rate Ordinance and Combined Wastestream Formula limits.

END-OF-PIPE EFFLUENT LIMITATIONS CITY OF ELKHART SEWER USE AND RATE ORDINANCE

PARAMETER	DAILY MAXIMUM ³ (mg/L)
pH ⁴	(max) 10.0 s u (min) 5.0 s u
TSS	250 (surcharged)
cBOD ₅	250 (surcharged)
Ammonia (NH ₃ -N)	25 (surcharged)
Total Phosphorus	11 (surcharged)

**END-OF-PIPE EFFLUENT LIMITATIONS
COMBINED WASTESTREAM FORMULA
Categorical**

Parameter	Daily Maximum mg/L	Four-Day Average mg/L
Cadmium	1.17	0.68
Chromium	6.85	3.91
Copper	4.40	2.64
Lead	0.59	0.39
Nickel	4.01	2.54
Zinc	4.11	2.54
Cyanide (T)	1.86	0.98
Total Metals	10.27	6.65
TTO	2.08	---

Industry Name
Permit Number

Elkhart Plating
86-02

	Daily Maximum	Four-Day Average		gpd
Cadmium	1.2	0.7	Process Flow	17,879
Chromium	7.0	4.0	Sanitary Flow	394
Copper	4.5	2.7	Other Flow	
Lead	0.6	0.4	Other Flow	
Nickel	4.1	2.6		
Zinc	4.2	2.6		
Cyanide	1.9	1.0		
TTO	2.13	---		
Total Metals	10.5	6.8		

Combined Wastestream Formula Calculations

	Daily Maximum	Four-Day Average
Cadmium	1.17	0.68
Chromium	6.85	3.91
Copper	4.40	2.64
Lead	0.59	0.39
Nickel	4.01	2.54
Zinc	4.11	2.54
Cyanide	1.86	0.98
TTO	2.08	---
Total Metals	10.27	6.65

B During the period of **October 19, 2010 to October 19, 2015**, the discharge at the **end of process** shall not exceed the following categorical limits:

**END OF PROCESS EFFLUENT LIMITATIONS
NATIONAL CATEGORICAL PRETREATMENT STANDARDS¹**

Parameter	Daily Maximum mg/L	Four-Day Average² mg/L
Cadmium	1.2	0.7
Chromium	7.0	4.0
Copper	4.5	2.7
Lead	0.6	0.4
Nickel	4.1	2.6
Zinc	4.2	2.6
Cyanide (T)	1.9	1.0
Total Metals	10.5	6.8
TTO	2.13	---

PART III. SELF MONITORING REQUIREMENTS

- A From the period of **October 19, 2010 to October 19, 2015**, the permittee shall monitor at the **end of process** for the following parameters, at the indicated frequency

PARAMETER	FREQUENCY	SAMPLE TYPE³
pH	monthly	Grab ⁴
Copper	once every six months	One day's composite
Cadmium	once every six months	One day's composite
Chromium	once every six months	One day's composite
Lead	once every six months	One day's composite
Nickel	once every six months	One day's composite
Zinc	once every six months	One day's composite
Total Metals	once every six months	One day's composite
Cyanide (T)	once every six months	Grab
TTO	once every six months	Grab

- B A Grab sample is defined as an individual sample collected over a period of time not to exceed 15 minutes.

C. For this application, a composite sample is interpreted to be a minimum of four grab samples collected at equal intervals, collecting identical volumes, over the period of the work day. Upon review, the Pretreatment Office may increase the number of grab samples to be collected. The sample volume will depend on the number of analyses to be performed by the analytical laboratory. Alternative methods may be submitted for approval and must demonstrate to be representative of discharge.

¹ The end of process effluent limitations are set forth in the National Categorical Pretreatment Standards for Electroplaters, 40 CFR 413.15 (a) and apply at the end of the regulated process prior to dilution, without utilizing the Combined Wastestream Formula.

² "Four-Day Average" is defined as the average value from four consecutive sampling days.

³ Samples are to be taken in accordance with 40 CFR Part 136 and amendments thereto, according to the City of Elkhart Sewer Use and Rate Ordinance, No. 4866, Section 5.4, unless specified otherwise in this permit.

⁴ In a grab sample, pH must be taken within thirty minutes following collection of sample. If a continuous measurement is done, calibration data must be submitted to the Pretreatment Office with monitoring report. No pH taken from composite sites will be accepted.

PART IV. REPORTING

A. Self-monitoring sampling results from sampling conducted in a calendar month shall be summarized and reported to the Pretreatment Office in the following month **The reports must be submitted to the Pretreatment Office by the 25th day of each following month** The reports must include.

- 1) The Cover Page to Self Monitoring Report
- 2) Report Certification Statement signed by the authorized representative
- 3) Industrial User Sampling Event Report
- 4) An original of the laboratory report and chain of custody

B. Semi-annual Pretreatment Reports shall be submitted to the POTW, in the Industrial User Process Report, on June 25th and December 25th, and shall include the information listed below:

- 1) measured or estimated average and maximum daily flows for the reporting period in gallons per day [40 CFR 403.12(e)]
- 2) estimated 30 minute peak flow (highest flow for a 30 minute period)
- 3) maximum pH
- 4) minimum pH

C. Permittee shall keep all wastewater information readily available for City inspection. It shall include the following information:

- 1) process wastewater discharges, including flows in gallons,
- 2) pretreatment system maintenance activities, if applicable,
- 3) recalibration data for all flow measuring and other monitoring equipment, if applicable;
- 4) copies of laboratory analyses and chain of custody information,
- 5) copies of all documents forwarded to the City in the self-monitoring reports

Copies of such information or portions thereof shall be furnished to the City upon request.

D. The Slug/Spill Prevention Plan is to be prepared in accordance with the City of Elkhart Sewer Use and Rate Ordinance No.4866, Section 4.13.1 which states:

- (a) The Slug discharge prevention/control plan may be part of an SIU's existing contingency plan, emergency response plan, or spill plan developed under other Federal, State or local regulations. At a minimum, the following elements shall be part of the submitted plan:
 - (1) Description of Discharge practices, including non-routine batch discharges,
 - (2) Description of stored chemicals, including chemical name, amount stored and storage location,
 - (3) Notification procedures, in accordance with paragraph 4.13.3 of this Section, for immediately notifying the POTW of spills or Slug discharges, including any Discharge that would violate a prohibition under Section 4.2,
 - (4) If necessary, procedures to prevent adverse impacts from Slug discharges or spills, including, but not limited to, the following:
 - (i) Inspection and maintenance of storage areas,
 - (ii) Handling and transfer of materials,
 - (iii) Loading and unloading operations,
 - (iv) Control of plant site runoff,

- (v) Worker training,
- (vi) Building of containment structures or equipment,
- (vii) Measures for containing toxic organic pollutants (including solvents), and
- (viii) Measures and equipment for emergency responses

Such plans shall be revised and updated whenever plant operational changes affect the validity of the plans, but in any case, not less often than every three (3) years. Failure to comply with this requirement may result in administrative penalties as defined in Section 12.1 of this Ordinance. Any significant plan revisions, including revisions involving construction/installation of new facilities, shall be submitted to the Director prior to implementation of such revisions.

Slug Discharge Prevention/Control Plan

- (b) Each SIU shall provide protection from spills or Slug discharges. The Director shall determine if a Slug discharge prevention/control plan is required by an SIU. An SIU that is required to have a Slug discharge prevention/control plan shall not commence discharging to the POTW until a plan has been submitted to the Director. The Director's review of such plan, including any facilities and operating procedures, shall not relieve the SIU from the responsibility to modify such plan as necessary to maintain compliance with applicable Federal, State, and local regulations. In addition, the submission of such plan to the Director shall not relieve the SIU of its responsibility to comply with all other laws and regulations governing the use, storage, and transportation of hazardous substances. Facilities necessary to implement these plans shall be provided and maintained at the SIU's expense.
- (c) Such plans shall be revised and updated whenever plant operational changes affect the validity of the plans, but in any case, not less often than every three (3) years. Failure to comply with this requirement may result in administrative penalties as defined in Section 12.1 of this Ordinance. Any significant plan revisions, including revisions involving construction/installation of new facilities, shall be submitted to the Director prior to implementation of such revisions.

The plan must be submitted to the Pretreatment Office and revised and updated every three years.

E. All forms required are included in the Forms section of this Permit.

F. If TTO reporting is required, it shall be performed according to instructions provided in the Forms section of this Permit. The instructions and required Certification Statement are included.

G. All reports shall include all proper signatures according to the City of Elkhart's Sewer Use and Rate Ordinance No. 4866, Section 5.2.4 which states:

5.2.4 Signatory Requirements and Certification

- (a) All reports required by this Ordinance and other information requested by the Director shall be submitted with the certification statement contained in Section 5.1.2(c) (3) of this Ordinance and properly signed by a person described in Section 5.1.2(c) (1) or (2) or by a duly authorized representative of the person described in Section 5.1.2(c) (1) or (2) if:
 - (1) The authorization is made in writing by the person described in Section 5.1.2(c) (1) or (2),
 - (2) The authorization specifies either the individual or a position having responsibility for the overall operation of the facility from which the industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and
 - (3) The written authorization is submitted to the Director.
- (b) If an authorization under Section 5.2.4(a) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Section 5.2.4(a) shall be submitted to the Director prior to or together with any reports or information to be signed by an authorized representative.

H. Notification and resampling shall be conducted in accordance with the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Section 5.2.1 which states:

5 2 1 Self-Monitoring Reports

All SIUs shall submit all notices and self-monitoring reports that are deemed necessary by the Director to assess and assure compliance by SIUs with applicable Pretreatment Standards and Requirements. These reports shall be required according to the conditions specified in an SIU's Industrial Wastewater Discharge Permit and shall be certified and signed as required in Section 5 2 4.

- (a) Re-sampling Requirement
If sampling performed by the SIU indicates a violation, the SIU shall notify the Director immediately after becoming aware of the violation. The SIU shall repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) calendar days after becoming aware of the violation.
- (b) Additional Self-Monitoring
If an SIU monitors any Pollutant more frequently than required by the Director, using procedures established by 40 CFR 136, the SIU shall include the results of this monitoring in the report.

PART V. POTW MONITORING AND INSPECTIONS

All POTW monitoring and inspections will be performed according to the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Article VI, which states:

6 1 Surveillance of Industrial Users

To establish a feasible surveillance schedule, the following monitoring frequencies are established:

6 1 1 City Monitoring

- (a) The Director shall perform a minimum of two (2) unscheduled monitoring events each calendar year at each SIU.
- (b) The Director may perform Demand Monitoring at an Industrial User when warranted in the opinion of the Director in response to a known or suspected violation discovered in a self-monitoring report, routine sampling trip or by public complaint. Demand Monitoring may consist of site inspection, records review and seven (7) consecutive days of sampling.

6 1 2 Self-monitoring

- (a) An SIU shall perform self-monitoring at least as frequent as required by the National Categorical Pretreatment Standards.
- (b) Notwithstanding Section 6 1 2(a) above, an SIU shall perform self-monitoring as frequently as established in an SIU's Industrial Wastewater Discharge Permit, but in any case, not less than the total minimums set forth below in Section 6 1 3, unless approved by the Board. The Director may require more frequent monitoring based on potential degree of adverse impact on the POTW, variability in types or amounts of Pollutants discharged, concentration or loading of Compatible Pollutants, or to ascertain continued compliance.
- (c) The Board may approve in an SIU's Industrial Wastewater Discharge Permit the use of the monitoring results from one (1) of the City's monitoring events in lieu of one (1) of the required SIU self-monitoring events.

6 1 3 Minimum Self-Monitoring Frequency Permit Requirements

<u>Industry Flow</u> <u>(Average Gallons per Day)</u>	<u>Monitoring Frequency</u>
0 - 10,000	Once every six months
10,001 - 25,000	Once every three months
25,001 - 50,000	Once every two months
50,001 - 100,000	Once a month
greater than 100,000	Once every two weeks

6 2 Surveillance Charge

- 6 2 1 The Director shall have the authority to charge any User a surveillance charge. The surveillance charge may be based on, but not limited to, the cost of sample collection, analysis and reporting as well as site inspection and records evaluation costs.
- 6 2 2 The Board shall have the authority to review on an annual basis the surveillance charge and to adjust the charges accordingly to achieve actual cost reimbursement.

6 3 Monitoring of Significant Industrial Users

- 6 3 1 An SIU shall install, at its own expense, monitoring facilities as required in Section 5 3 of this Ordinance, unless said SIU can demonstrate to the Director that compliance with this requirement would cause undue hardship. In such cases, the Director shall provide for alternate monitoring procedures in the SIU's Industrial Wastewater Discharge Permit. The Director shall have the right of full access, at all times, to said monitoring facility to conduct tests on the quantity and quality of Effluent being discharged by the SIU.
- 6 3 2 In addition to any equipment provided by the SIU, the Director may install additional metering or monitoring equipment during a surveillance period in or near to the SIU's monitoring facility.
- 6 3 3 In the event of continuing exceedance of an SIU's Effluent Limitations or frequent fluctuations in an SIU's Wastewater Constituents and Characteristics, the Director may require an SIU to install additional monitoring equipment which may include, but not be limited to, a device for continuously and automatically measuring and recording flow and/or a device for automatically taking discrete and composite samples of Wastewater.
- 6 3 4 Each SIU shall measure and record the following data in accordance with the schedule established in the SIU's permit and the sampling and analytical requirements in Section 5 4 3 of this Ordinance:
 - (a) Total daily Wastewater discharge (gallons per day)
 - (b) Concentration of each Wastewater Constituent or Characteristic specified in the permit
 - (c) Total daily discharge of each Wastewater Constituent or Characteristic specified in the permit
- 6 3 5 The Director may monitor and analyze the Wastewater of any SIU on a daily basis when just cause exists. If at any time the rate of Wastewater discharge, or concentration or mass of a Wastewater Constituent or Characteristic, exceeds the maximum limits in the permit, the Director shall be notified as required in Section 5 1 4 (i) and (j).
- 6 3 6 All metering or monitoring equipment installed by the SIU shall be installed, maintained and calibrated in accordance with the manufacturers recommended standards for the specific equipment.

PART VI. NONCOMPLIANCE AND ENFORCEMENT

All noncompliance and enforcement action determinations will be made according to the City of Elkhart Sewer Use and Rate Ordinance No.4866 and the City of Elkhart Enforcement Response Plan.

PART VII. STANDARD CONDITIONS AND PROHIBITIONS

All conditions and prohibitions contained in the City of Elkhart Sewer Use and Rate Ordinance No 4866 shall be incorporated in this permit by reference, and any violations of any such conditions shall constitute violation of this permit.

PART VIII. REOPENER CLAUSE

This permit may be reopened and modified in accordance with the City of Elkhart Sewer Use and Rate Ordinance No 4866, Section 5 1 3 which state

5 1 3 Permit Modification, Revocation and Termination

- (a) The permittee shall be informed by the Director of any proposed permit changes at least thirty (30) calendar days prior to the effective date of any change.
- (b) A permit may be modified, in whole or in part, revoked or terminated during its term for cause as specified in this Section 5 1 3. Such action may be taken at the Director's own initiative based on, but not limited to, a request of any interested Person. If the Director determines that cause exists for modification or revocation of a permit, the Director may require from the permittee an updated application or a pertinent portion of an application if such current information is needed to prepare the permit.
- (c) Causes for modification, revocation or termination of a permit include the following:
 - (1) Violation of any term or condition of the permit
 - (2) Failure of the permittee to disclose fully all relevant facts or any misrepresentation of any relevant facts by the permittee in an application or during the permit issuance process
 - (3) A change in any condition that requires either a temporary or a permanent reduction or elimination of any Discharge controlled by the permit, e.g., plant closure, a change in State law that requires the reduction or elimination of the Discharge, or information

- indicating that the permitted Discharge poses a substantial threat to human health or welfare
- (4) Failure of the permittee to accurately report the Wastewater Constituents and Characteristics of the permittee's Discharge
 - (5) Failure of the permittee to report significant changes in operations or Wastewater Constituents and Characteristics
 - (6) Refusal of reasonable access to the permittee's premises for the purpose of inspection or monitoring
- (d) In addition to the provisions of paragraphs (b) and (c), a permit may be modified for any of the following causes
- (1) Material and substantial alterations or additions to the User's operation which were not covered in the effective permit, e g , production changes, relocation or combination of discharge points, changes in the nature or mix of products produced, provided that such alterations do not constitute total replacement of the process or production equipment causing the Discharge which converts it into a New Source
 - (2) Within nine (9) months of the promulgation of a National or State Categorical Pretreatment Standard, the Industrial Wastewater Discharge Permit of Users subject to such standards shall be modified to require compliance with such standard within the time frame prescribed by such standard In addition, the User with an existing Industrial Wastewater Discharge Permit shall submit an updated application to the Director within one hundred eighty (180) days after the promulgation of the applicable Categorical Pretreatment Standard
- (e) A permittee shall
- (1) Report to the Director plans for or information about any activity that has occurred or will occur that would constitute cause for modification or revocation of a permit under this Section 5 1 3,
 - (2) Comply with the existing permit until it is modified or reissued

PART IX. ANNUAL PUBLICATION

Annual publication of significant noncompliance will be conducted in accordance with the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Section 7.5, which states.

7 5 Publication of Violations

The Director shall at least annually publish in the newspaper of general circulation having the largest circulation within the City a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance, as defined in Section 2 1 65

and the City of Elkhart Enforcement Response Plan

PART X. SEWER CHARGES, SURCHARGES, SERVICE FEES AND PRETREATMENT

All sewer charges, surcharges, service fees and pretreatment charges are set forth in the City of Elkhart Ordinance No. 4866, Article XI

PART XI. RIGHT OF ENTRY

In accordance with the City of Elkhart Sewer Use and Rate Ordinance No 4866, Section 5.4, which states.

5 4 Inspection and Sampling

5 4 1 Inspection

- (a) The Director or Inspector may inspect the facilities of any User to ascertain whether the User is complying with the provisions and requirements of this Ordinance The Director or Inspector shall perform a minimum of one (1) scheduled and one (1) unscheduled inspection each calendar year at each SIU
- (b) Upon request by the Director, Users shall allow the Director or its representative or the Approval Authority access to all parts of the premises for the purpose of ensuring compliance with this Ordinance The Director, Inspector and the Approval Authority shall have the right to enter onto a User's property to set up such devices as are necessary to

necessary to sample, inspect, monitor or meter operations of the User to determine compliance with this Ordinance. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements so that upon presentation of suitable identification, personnel of the Director or the Approval Authority shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing the Director, Inspector or Approval Authority access to the User's premises shall be a violation of this Ordinance.

5 4 2 Search Warrants

The Director may obtain a search warrant from a court of competent jurisdiction when

- (a) The Director is able to demonstrate that a User is violating any provision of this Ordinance and the Director has been refused access to a building, structure, or property, or any part thereof, or
- (b) The Director, as part of a routine inspection and sampling program, needs to inspect or sample to verify compliance with this Ordinance or to protect the overall public health safety and welfare of the community

5 4 3 Sample Analyses

All analyses, including sampling results submitted in support of any application, reports, evidence or required by any permit or order, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, as amended. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures approved by the Director.

City personnel shall not be restricted in any way from inspecting and sampling permittee's facility or discharges.

Monitoring facilities shall be provided for and maintained in accordance with the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Section 5 3 2

5 3 2 Location of Monitoring Facilities

The Director may require an Industrial User to provide and operate, at its own expense, monitoring facilities to allow inspection, sampling and flow measurement of the Industrial User's Industrial Waste. The monitoring facility shall be located on the Industrial User's premises unless the Director determines that such a location would be impractical for purposes of providing independent and unscheduled monitoring activities or causes undue hardship on the Industrial User. In such cases, the monitoring facility may be constructed in the public right-of-way or easement, in an unobstructed location. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples for analysis. The Industrial User's monitoring facility and sampling and measuring equipment shall be maintained at all times by the Industrial User in a safe and proper operating condition at the expense of the Industrial User. Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the Director's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner so as to enable the Director to perform independent monitoring activities.

PART XII. PERMIT TRANSFER

All permit transfers shall be performed in accordance with the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Section 5 1 7 which states.

5 1 7 Permit Transfer

Industrial Wastewater Discharge Permits are issued to a specific User for a specific operation. A permit may be transferred to another Person by a permittee, without modification or revocation, if the following events occur:

- (a) The current permittee provides written notification to the Director at least thirty (30) calendar days in advance of the proposed transfer date. The notification shall include:
 - (1) A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date and that the transferee is liable for violations from that date on).
 - (2) The transferee certifies in writing the transferee's intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change

the nature or quantities of Pollutants discharged and thus constitute cause for permit modification under Section 5.13

- (b) The Director, within thirty (30) calendar days after receiving the transfer notification from the permittee, does not notify the current permittee and the transferee of the need to modify, revoke or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit

PART XIII. NOTIFICATION OF INDUSTRIAL PRETREATMENT BYPASSES

All notification of industrial bypasses shall be conducted in accordance with the City of Elkhart Sewer Use and Rate Ordinance No 4866, Section 4 14.3, which states

4 14 3 Notification of Bypasses

With any Bypass, the Industrial User shall comply with the following notification requirements

(a) Anticipated Industrial Pretreatment Bypasses

If an Industrial User knows in advance of the need for an industrial Pretreatment Bypass, the Director shall receive written notification from the Industrial User at least 48 hours before the date of such Bypass describing the cause of the Bypass, the Bypass's impact on any effluent limits, and the anticipated date and duration of the Bypass

(b) Unanticipated Industrial Pretreatment Bypasses

An Industrial User shall notify the Director of any unanticipated Industrial Pretreatment Bypass. The notification shall include the following

- (1) Oral notice to the Director immediately after the Industrial User becomes aware of the Bypass
- (2) A written report within five (5) calendar days of the time the Industrial User becomes aware of such Bypass. This report shall specify the following:
 - (i) A description of the Bypass, the cause thereof, and the Bypass's impact on any limits,
 - (ii) The amount/volume and duration of the Bypass, including exact dates and times,
 - (iii) If the Bypass has not been corrected, the anticipated time it is expected to continue, and
 - (iv) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass

PART XIV. NOTIFICATION OF SPILLS, SLUG DISCHARGES AND OPERATION UPSETS

All notification of spills, slug discharges and operation upsets shall be conducted in accordance with the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Section 4.13.3, which states:

4 13 3 Reports of Spills, Slug Discharges and Operation Upsets

(a) Oral Notice

The User shall notify the City's Public Works and Utilities Department by telephone within fifteen (15) minutes of becoming aware of any spill, Slug discharge, or operation Upset. The notification shall include location and duration of the discharge, type of Waste, including concentration, pH, volume and corrective actions

(b) Written Notice

- (1) Within five (5) working days following such an incident, the User shall submit to the Director a detailed written report signed by the User describing the cause of the Discharge and the measures to be taken by the User to prevent similar future occurrences
- (2) Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person, property or the environment

- (3) Such notification shall not relieve the User of any fines, civil penalties, or other liability, which may be imposed by this Ordinance or other applicable law
- (4) Following such an incident, the User may be required by the Director to appear before the Board and provide a full explanation of the Discharge and of steps being taken to prevent its recurrence

PART XV. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant and/or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge in accordance with the City of Elkhart Sewer Use and Rate Ordinance No 4866, Section 4 18, which states:

4 18 Duty to Mitigate - Prevention of Adverse Impact

All Users shall take all reasonable steps to minimize or prevent any adverse impact of any Discharge in violation of this Ordinance which has a reasonable likelihood of adversely affecting human health, the POTW, the waters receiving the POTW's discharge, or the environment

PART XVI. NOTICE OF PERMIT REVOCATION

This permit may be revoked pursuant to permittee noncompliance in accordance with the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Section 5 1.3, which states.

5 1 3 Permit Modification, Revocation and Termination

- (a) The permittee shall be informed by the Director of any proposed permit changes at least thirty (30) calendar days prior to the effective date of any change
- (b) A permit may be modified, in whole or in part, revoked or terminated during its term for cause as specified in this Section 5 1 3 Such action may be taken at the Director's own initiative based on, but not limited to, a request of any interested Person If the Director determines that cause exists for modification or revocation of a permit, the Director may require from the permittee an updated application or a pertinent portion of an application if such current information is needed to prepare the permit
- (c) Causes for modification, revocation or termination of a permit include the following
 - (1) Violation of any term or condition of the permit
 - (2) Failure of the permittee to disclose fully all relevant facts or any misrepresentation of any relevant facts by the permittee in an application or during the permit issuance process
 - (4) A change in any condition that requires either a temporary or a permanent reduction or elimination of any Discharge controlled by the permit, e g , plant closure, a change in State law that requires the reduction or elimination of the Discharge, or information indicating that the permitted Discharge poses a substantial threat to human health or welfare
 - (4) Failure of the permittee to accurately report the Wastewater Constituents and Characteristics of the permittee's Discharge
 - (5) Failure of the permittee to report significant changes in operations or Wastewater Constituents and Characteristics
 - (6) Refusal of reasonable access to the permittee's premises for the purpose of inspection or monitoring
- (d) In addition to the provisions of paragraphs (b) and (c), a permit may be modified for any of the following causes
 - (1) Material and substantial alterations or additions to the User's operation which were not covered in the effective permit, e g , production changes, relocation or combination of discharge points, changes in the nature or mix of products produced, provided that such alterations do not constitute total replacement of the process or production equipment causing the Discharge which converts it into a New Source
 - (2) Within nine (9) months of the promulgation of a National or State Categorical Pretreatment Standard, the Industrial Wastewater Discharge Permit of Users subject to such standards shall be modified to require compliance with such standard within the time frame prescribed by such standard In addition, the User with an existing Industrial Wastewater Discharge Permit shall submit an updated application to the Director within

one hundred eighty (180) days after the promulgation of the applicable Categorical Pretreatment Standard

- (e) A permittee shall
 - (1) Report to the Director plans for or information about any activity that has occurred or will occur that would constitute cause for modification or revocation of a permit under this Section 5 1 3,
 - (2) Comply with the existing permit until it is modified or reissued

PART XVII. SEVERABILITY

If any provisions, paragraph, word, section or article of this permit is invalidated by the City of Elkhart Board of Public Works or any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect

PART XVIII. RETENTION OF RECORDS

a) The permittee shall retain records of monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended at the request of the City of Elkhart at any time

b) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Elkhart shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired

This provision is mandated in accordance with the City of Elkhart Sewer Use and Rate Ordinance No. 4866, Section 5 1.8 which states

5 1 8 Records Retention

All information, records, reports, books, etc., required pursuant to an Industrial Wastewater Discharge Permit, whether prepared by or on behalf of the User, shall be retained and preserved by such User for a minimum period of three (3) years from time of their creation. All records that pertain to matters which are the subject of any enforcement action or litigation shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired. This period of retention shall also be extended when requested by the Director or the Approval Authority

PART XIX. OPERATOR CERTIFICATION

The permittee shall comply with all operator certification requirements as mandated by state law

PART XX. EXCEPTIONS

No exceptions shall be implied from any part of this permit. Any and all exceptions must be expressly stated upon approval by the City. All sections of the City of Elkhart Sewer Use and Rate Ordinance No. 4866 and the Enforcement Response Plan shall apply to all permit holders

To:
City of Elkhart
Public Works & Utilities
Pretreatment Office
Elkhart, IN 46516
FAX: 293-7658

Re: **Batch Discharge Announcement**

Industry Name:

Permit Number:

Date of Discharge:

Time Discharge will Begin:

Approximate Duration of Discharge:

Specify which tank(s) will be discharged if
there are multiple tanks:

Authorized Representative

Title

Signature of Authorized Representative

Date

SELF-MONITORING REPORT

COVER PAGE

Industry Name: _____

Permit Number: _____

Checklist of Enclosures

This report includes the following information:

- ☐ *Industrial User Sampling Event Report*
- ☐ Copy of the analysis report from the respective laboratory, with pertinent required information, including:
 - ☐ Analytical results
 - ☐ Sample type (Grab or Composite)
 - ☐ Sample dates and times
 - ☐ Method of analysis
 - ☐ Analyst's initials
 - ☐ Date and time of analysis
 - ☐ Preservation
 - ☐ Container type (glass or plastic)
- ☐ *Report Certification Statement*
- ☐ *Industrial User Process Report*

Compliance Evaluation

Indicate the compliance status of your company based on the information contained in this report:

This company is: ☐ **in compliance**

☐ **out of compliance**

If the company is "out of compliance", indicate below if the POTW or Pretreatment Office was notified:

☐ **Yes** Date: _____ Time: _____

Industrial Rep's Name: _____

Utility Rep's Name: _____

☐ **No**

INDUSTRIAL USER PROCESS REPORT

Industry Name: _____

Date Report Submitted: _____

Reporting Period: _____

	Process (batch)	Total
Average Daily Flow (gpd)	_____	_____
Maximum Daily Flow (gpd)	_____	_____
Estimated 30 min. peak flow	_____	_____
.....		
Maximum pH (S.U.)*	_____	_____
Minimum pH (S.U.)*	_____	_____

* Indicate if these are ☐ **End of Pipe** OR ☐ **End of Process** values.

Name of Authorized Representative

Title

Signature of Authorized Representative

Date

INDUSTRIAL USER SAMPLING EVENT REPORT

Industry Name: _____ Permit #: _____

Sampler Name(s): _____

Sample Type:

☐ **Grab:** Month _____ Day ____ Year _____ Time _____ am ☐ pm ☐

Individual sample collected over a period of time not exceeding fifteen minutes.

☐ **Composite:** Start: Month _____ Day ____ Year _____ Time _____ am ☐ pm ☐
End. Month _____ Day ____ Year _____ Time _____ am ☐ pm ☐

Composite Method:

☐ Manual

☐ Automatic Sampler

☐ **Flow Proportional:** Sample collected every _____ gallons

Minimum of four grab samples collected over a time greater than fifteen minutes and combined in proportion to the wastewater flow

☐ **Time Proportional:** Time Interval _____ Number Combined _____

Minimum of four grab samples of equal volume collected over a time greater than fifteen minutes that is representative of the discharge

Location of Event: ☐ End of Process or Pretreatment

☐ End of Pipe

Samples in Proper Containers? ☐ Yes ☐ No

Samples Properly Preserved?* ☐ Yes ☐ No

**specific information shall be included with the chain of custody*

Chain of Custody:

Date	Relinquished By	Received By	Time

Please include the original laboratory report(s).

REPORT CERTIFICATION STATEMENT

All reports submitted to the City must include the following certification statement, signed by an Authorized Representative.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Name of Authorized Representative

Title

Signature of Authorized Representative

Date

TTO MONITORING REQUIREMENTS

- A. The Total Toxic Organics (TTO) limitation is defined as the summation of all quantifiable values greater than 0.01 mg/L for the toxic organic compounds that appear on the list included in your permit. The sum of all values for each total toxic organic shall not exceed the TTO limitations.
- B. The permittee needs to analyze only for those toxic organics that would reasonably be expected to be present in the discharge.
- C. In lieu of monitoring for TTO, the control authority may allow the permittee to make the following TTO Certification Statement as a comment to the periodic reports required per this permit.

"Based on my inquiry of the persons directly responsible for managing compliance with the pretreatment standard for Total Toxic Organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the Toxic Organic Management Plan submitted to the control authority."

- D. In requesting that no monitoring be required, the permittee shall submit a Toxic Organic Management Plan (TOMP) that specifies to the control authority's satisfaction the following conditions:
 - 1. the toxic organic compounds used;
 - 2. the method of disposal used instead of dumping, such as reclamation, contract hauling, incineration, etc.; and
 - 3. the procedures for assuring that toxic organics do not routinely spill or leak into the wastewater

TTO CERTIFICATION STATEMENT

In lieu of TTO monitoring, this statement may be submitted as part of the reporting requirement for TTO.

"Based on my inquiry of the persons directly responsible for managing compliance with the pretreatment standard for Total Toxic Organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority."

Name of Authorized Representative

Title

Signature of Authorized Representative

Date

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JUN 09 2011
Superfund Division

Hasler

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JUN 9 2011

*Elkhart
Plating*

WARRICK & BOYN, LLP

ATTORNEYS AT LAW

121 WEST FRANKLIN STREET

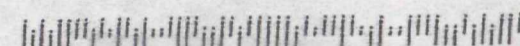
SUITE 400

ELKHART, INDIANA 46516-3278

U.S. Environmental Protection Agency
c/o Grace Co
77 W. Jackson Blvd., (SE-5J)
Chicago, IL 60604-3590

SENT CERTIFIED MAIL RETURN
RECEIPT REQUESTED

RECEIVED
6/9/11



RECEIVED

RECEIVED
JUN 09 2011
Superfund Division